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THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

SEPTEMBER 1989

Juvenile Corrections In Wisconsin: Is There A Better Way?

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HIGHLIGHTS

Growing disillusionment with traditional approaches to dealing with serious juvenile crime has led to a dichotomy of approaches throughout the country. Many states have enacted "get tough" legislation placing more juveniles in state training schools for longer periods of time. This approach has resulted in rising costs, overcrowding, and inadequate services and protection of juvenile inmates, with little impact on juvenile crime rates.

Other states have taken a different approach. These states, most notably Massachusetts and Utah, have dramatically reduced the number of secure commitments without further endangering the public or increasing rates of delinquency. They have accomplished this by developing a system of small secure facilities, coupled with a panoply of community-based programs offering various degrees of structure and services.

Could this community-based approach work in Wisconsin? To answer that question, the National Council on Crime and Delinquency (NCCD) conducted a study to determine if there is a significant proportion of the Wisconsin juvenile institutional population that could be safely and effectively supervised in community-based programs. Information collected on a random sample of juveniles admitted to Wisconsin's two training schools showed that 68 percent of the juveniles were incarcerated for non-assaultive offenses, and 59 percent of the juveniles had no history of violent offenses.

In a few states, objective classification systems are used to determine which youths require secure placement (the most serious and chronic offenders), which are appropriate for community placement (property offenders with limited histories of delinquency), and which are in between the community and highest security levels. For this in-between group, short-term secure placement is often used, followed by community placement. NCCD used a similar classification scale to classify each juvenile in the Wisconsin study.

The results are startling. Using the NCCD classification scale:

- only 27 percent of the incarcerated juveniles would require such secure placement;
- 26 percent would be appropriate for community placement; and
- 47 percent would be appropriate for short-term care, followed by community care.

The findings also indicate that there is disparity among counties in the types of youth sent to state facilities. While youths from some counties stay in the community, similar youths from other counties go to state corrections institutions.

Could Wisconsin benefit from a greater emphasis on community-based programs, reserving secure confinement for only the most serious and chronic offenders? Except for racial makeup, the correctional populations of Wisconsin, Utah, and Massachusetts are reasonably similar (see Table 1). Black youths in Wisconsin represent nearly three times the proportion of youth service commitments as in Massachusetts, although they comprise about the same percentage of total youth population (6 percent) of both states. Adoption of the Massachusetts/Utah approach in Wisconsin, however, hinges principally on a single question: Is there a significant proportion of the current institutional population in Wisconsin that could be safely and effectively supervised in community-based programs?

Factors to be considered in the adoption of a similar objective classification system for Wisconsin include institutional bed space needs, community

Table 1: Comparisons of Youth Committed to Youth Services in Wisconsin, Utah, and Massachusetts

	Wisconsin (1986 Admissions) N=370	Utah (1983-1984 Admissions) N=252	Massachusetts (1984-1985 Admissions) N=819
Sex*			
Male	90.8	95.6	86.5
Female	9.2	4.4	13.6
Race/Ethnicity*			
White	41.4	70.3	72.7
Black	44.3	0.0	16.5
Hispanic	6.2	19.9	9.2
Other	8.4	9.8	1.6
Average Age at Commitment	15.8	16.0	15.5
Average Number of Prior Adjudications	3.5	6.3	2.5
Most Serious Charge			
Part 1 Violent**	16.2	20.7	13.3
Part 1 Property	47.0	47.8	47.5
Part 2 Offenses	36.8	31.1	39.0
Status	0.0	0.4	0.2

* Figures expressed in percentages

** All of the states list other offenses that are considered violent or assaultive. Part 1 Violent includes Murder (all degrees), Rape, Robbery, and Aggravated Assault. In total, 31.9% of Wisconsin admissions were for assaultive offenses.

programming needs and public safety issues. NCCD's analysis shows that with this approach one of the two state training schools could be closed. Community programming would need to be expanded; however, savings from the closing of a training school could be diverted to these new programs. Finally, research in Massachusetts and Utah indicates that the imposition of appropriate community-based controls on serious and chronic juvenile offenders does not compromise public protection.

EXPANDED USE OF COMMUNITY-BASED PROGRAMS IN WISCONSIN

The National Council on Crime and Delinquency collected data on a randomly selected 50 percent sample (N = 370) of 1986 admissions to Wisconsin's two juvenile secure correctional facilities: Ethan Allan School and Lincoln Hills School. The 62 data elements compiled on each juvenile included information on sex, race, disabilities, prior delinquent behavior, criminal offenses, education, vocational training, employment, family relationships, drug and alcohol use, prior out-of-home placements, emotional stability, and runaway history.

In several states that have reduced their juvenile corrections populations, objective classification systems have identified three groups of adjudicated juveniles: 1) youths adjudicated for serious violent offenses or those with chronic delinquency histories, who would require secure placement; 2) youths adjudicated for property offenses, with limited histories of delinquency, who are appropriate for community placement; and 3) youths who fall in between the community and highest security levels. For this in-between group, a period of short-term secure placement is often used, for further assessment purposes or to serve as "just desserts" intervention, to be followed by a community placement or program.

After analyzing all data collected, a structured classification scale (Figure 1) was devised which closely approximated scales used in Colorado, Delaware, Oregon, and other jurisdictions. This scale simply combines measures of offense severity and chronicity with other risk factors, including prior involvement in correctional programs, to assess current custody requirements. The scale was then used to classify each juvenile in the Wisconsin sample.

It should be noted that this scale was not designed to be used as the final screening instrument, but rather to determine if a proportion of the Wisconsin juvenile institutional population could be safely and effectively supervised in community-based programs. Further refinement of such an instrument may be warranted prior to use as a screening device. Different criteria and different weights could be developed, based on further analysis. The value of this approach is its objectivity and consistency in decision making. This is especially important since data presented in the next section of this report indicate that disparity abounds in the current system.

PROFILE AND RESULTS

Table 2 presents the profile of the sample using the classification scale categories. As Table 2 indicates, over

Table 2: Prior History of Juveniles in Sample

Severity of Current Offense	
Murder, Rape, Kidnapping	3.8%
Other Offense Involving Force or Use of a Weapon	21.1%
Non-Assaultive Offenses	68.1%
Severity of Prior Offenses	
Use of Force, Use of a Weapon	20.3%
Non-Assaultive Offenses Only	79.7%
Number of Prior Out-Of-Home Placements	
Two or fewer	56.5%
Three or more	43.5%
Prior Correctional Placements (DOC)	
None	83.0%
One or more	17.0%
Age at First Delinquent Adjudication	
14 or under	45.4%
15 or over	54.6%
History of Mental Health Outpatient or Alcohol or Other Drug Abuse Care	
Yes	69.2%
No	30.8%
Number of Prior Runaways	
Three or more	55.9%
Two or fewer	44.1%

Figure 1: NCCD Juvenile Classification Scale

		score
1. Severity of Current Offense		
Murder, Rape, Kidnapping	10	____
Other Offenses Involving Use of a Weapon, Use of Force	5	____
2. Most Serious Prior Adjudication		
Any Offense Involving Use of a Weapon or Use of Force	5	____
No Priors or Property Only	0	____
3. Number of Prior Out of Home Placements		
Three or More	5	____
Two or Less	0	____
TOTAL ITEMS 1-3		____

Total Items 1-3. If score is 10 or higher, secure placement is recommended. If less than 10, score the remaining items.

4. Prior Placement in a Juvenile Correctional Institution		
Yes	2	____
No	0	____
5. Age at First Delinquent Adjudication		
14 or Under	2	____
15 or Over	0	____
6. History of Mental Health Outpatient or Alcohol or Other Drug Abuse Care		
Yes	1	____
No	0	____
7. Prior Runaways		
Three or More	1	____
Two or Fewer	0	____
TOTAL ITEMS 1-7		____

Recommendations:

10 or above:	Secure Placement
5 - 9:	Short-Term Secure Care
0 - 4:	Community Placement

It should be noted that this scale was not designed to be used as the final screening instrument, but rather to determine if a proportion of the Wisconsin Juvenile Institutional Population could be safely and effectively supervised in community-based programs. Further refinement of such an instrument may be warranted prior to use as a screening device.

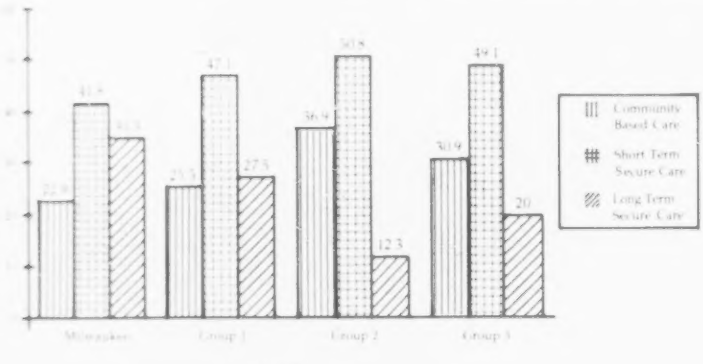
two-thirds (69 percent) of the juveniles had a history of mental health outpatient or alcohol or other drug abuse (AODA) care, and 56 percent had three or more runaways. However, for 83 percent of the juveniles, this was their first correctional placement.

The most striking statistic that emerges from this analysis is that 68 percent of the juveniles were incarcerated for non-assaultive offenses. It should be noted that the definition of assaultive offense used in this analysis included any assault or any use of a weapon. The definition of assaultive offenses is, therefore, broader than that used by the National Uniform Crime Reports. Nearly 80 percent of the sample had no prior offenses classified as assaultive. When considering both the current offense and prior record, 59 percent of the juveniles in the study had no record of violence in their history.

While facts specific to each case may alter these figures to some degree, it seems evident that, like all other states analyzed to date, Wisconsin could significantly reduce its institutional populations if sufficient community-based resources are made available to deal with delinquents currently housed in state facilities. (Actual cases and recommended strategies for dealing with each are presented in Cases A and B .)

The classification groups are further broken down by race and county of residence, as shown in Figures 2 and 3. Nearly half of the juveniles in the sample were from Milwaukee County. Milwaukee County had the highest percentage of juveniles meeting the criteria for secure care (35 percent). In Group

Figure 2: Classification by County



2 counties, (the smaller urbanized counties) only 12 percent of incarcerated juveniles met the high-risk criteria; 37 percent of their juveniles fell into the low-risk category. Generally, black youths had higher classification scores than whites and other minorities; the majority of the black juveniles were from Milwaukee County.

These findings indicate that there is considerable disparity among counties in the types of youths sent to state facilities. Youths in state facilities from Milwaukee County are, in general, more serious offenders. In essence, while youths from some counties are retained in the community, youths with similar backgrounds and offense histories from other counties go to state correctional institutions. The Department of Health and Social Services' Juvenile Offender Review Panel (JORP) conducts an initial review within 30 days of admission to review the need to stay in the institution. While JORP remedies some of these inconsistencies, disparity still abounds.

IMPLICATIONS

The implications of adopting an objective classification process for determining placement needs of youth committed to Wisconsin Division of Corrections should be considered.

Institutional Bed Space. First, the impact on institutional bed space must be assessed. Using the profile data from this study, the classification system presented in Figure 1, and the length of stay assumptions presented in footnote 11, approximately 280 secure beds are needed. This represents less than 50 percent of the number currently in use. With a rated bed capacity of 313 at Ethan Allen and 265 at Lincoln Hills,[1] this would indicate that one of the two schools could be closed, with savings directed to new community-based programs. Looking at the breakout by region of residence of the juveniles sent to DOC, it would appear that Lincoln Hills may be the likely candidate for closure. If so, Ethan Allan's capacity could be reduced as well, with the addition of a few small secure facilities (10 to 20 beds) in other regions of the state.[2]

Need for Community Programs. At the present time, those youths in Wisconsin who are committed to the state correctional system have only one placement alternative: placement in a secure training school. The training school curriculum is not designed for short-term placements. There is no short-term secure care facility in Wisconsin. Community-based programs for delinquent youths are operated by individual counties and generally are not designed for the serious, chronic offender.

A study conducted by NCCD of the Utah Second District Juvenile Court[3] found evidence that short periods of confinement were as effective as long periods of confinement in controlling the behavior of juveniles, and that serious or chronic offenders can be placed in the community under a well-structured program and be expected to sharply reduce their level of offending. If Wisconsin is to reduce its training school population, alternative programs must be developed.

A needs assessment of Wisconsin DOC youth should be conducted in order to develop specific program recommendations. The experience of other states, and the assessment of the case histories presented above indicate that the following types of alternatives should be considered:

- Small, short-term secure care facilities.
- "Timeout" programs, which provide up to five days secure backup to the community programs. In Oregon, these backup programs, which provide immediate consequences for negative behavior and assist in stabilizing out-of-control behavior, have been extremely successful.[4]
- Increased community-based mental health services for delinquent youth. The high percentage of youths in the Wisconsin sample with a history of mental health or alcohol or drug abuse problems indicates a need for this. Other states have found that many youths were placed in secure correctional facilities because of a lack of mental health services.[5]
- Increased drug and alcohol outpatient services. In Utah, this consists of non-residential assessment and outpatient

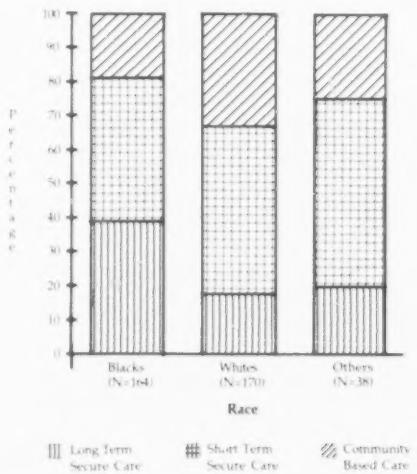
counseling for both individuals and groups, and includes tracking and daily contact.[6]

- Services which are culturally sensitive to the needs of minority youths. The over-representation of minority youths in Wisconsin training schools indicates that existing programs are not doing the job.
- Family treatment. This service involves contracts with highly skilled family therapists whose emphasis is on strengthening and preserving the family unit, with specific services developed depending on the needs of each family.
- Tracking or intensive supervision programs. In Massachusetts, this program provides daily contact and surveillance for youths residing in the community by a staff member whose caseload does not exceed six clients.[7]
- Proctor advocate. One youth resides in a single adult home and has a professional staff member assigned to work exclusively with him or her. This model has been used extensively in Utah for dealing with seriously delinquent female juveniles.[8]
- Day treatment programs. These are time-limited, non-residential educational and treatment programs developed around special needs such as drug and alcohol abuse, alternative education, and career development.
- Expanded vocational and employment training and services. Studies have shown that youth who are unemployed have a greater chance of re-arrest.[9]

Public Safety Issues. In any discussion concerning the issue of reducing the use of secure care, the question of whether the public can be adequately protected must be addressed. The results in Massachusetts and Utah would indicate that the answer to that question is "yes."

A Massachusetts study of violent offenders,[10] which compared youths whose services consisted of secure care followed by non-secure residential treatment and then intensive supervision with a control group of youths who were placed in long-term secure care, found that 79 percent of the project participants obtained unsubsidized employment, as compared to 29 percent of the control group. Further, 75 percent of project youths continued in an educational program after being released from the secure setting, compared to 46 percent of the control group. Finally, a preliminary review of comparative recidivism rates indicated that only one-third of project participants had been re-arrested for subsequent delinquent activity, a far smaller percentage than is reported by juvenile systems nationwide.

Figure 3: Classification by Race



A more recent and comprehensive study found that 36-month return rates in Massachusetts were lower than those of other states using more traditional approaches. Another index of the success in Massachusetts is that in 1972, 35 percent of the persons committed to the State's Department of Correction had previous Department of Youth Services experience; by 1985 this figure had dropped to 15 percent.

In the Utah study,[11] NCCD utilized another measure to estimate effectiveness. This measure, the suppression effect, focused not on the absolute cessation of delinquency, but rather on the reduction in the frequency of delinquent behavior. The results of the suppression analysis on arrests and offenses indicated that the Youth Corrections offenders showed a 63 to 70 percent reduction in their rate of arrest across all programs (63 percent for the community corrections group, 68.5 percent for the secure detention group, and 69.8 percent for the short-term placement followed by community placement group). In essence, the community-based programs were about as effective as more intrusive and expensive strategies.

A review of charges filed for the entire group is even more impressive. The Youth Corrections offenders were charged with 3,215 offenses in the year prior to their court adjudication as compared to 884 offenses in the post-adjudication period. These data strongly indicate that the imposition of appropriate community-based controls on highly active serious and chronic juvenile offenders did not compromise public protection.

SUMMARY

While results of this study need to be carefully reviewed before policy recommendations are finalized, it does appear that: 1) Wisconsin's juvenile corrections population is similar to those of states making far greater use of community-based programs; and 2) adoption of an objective classification scheme could enhance consistency in decision-making and identify many youths who could be safely and effec-

tively handled in the community. Further, while community-based options would require enhancements, using community-based care for more juveniles should prove to be less expensive than the current system. Wisconsin is in a position to pursue innovative policies successfully pioneered by Massachusetts and Utah, which are now being implemented by other states reflecting a variety of political and cultural backgrounds and ideologies, including conservative law and order states like Maryland, Louisiana, and Colorado.

These states have shown that greater equity can be provided in the process of deciding which juveniles are incarcerated, and that community-based programs can be as effective as incarceration in reducing the rate of recidivism, while providing a more humane experience at less cost. Given Wisconsin's progressive tradition and the failure of its current policies, as evidenced by the inordinately high proportion of blacks incarcerated in Wisconsin training schools, the time may be right for a change in direction in the juvenile justice system in Wisconsin.

FOOTNOTES

1 Hinz, Daryl (1987). *Adult and Juvenile Corrections Programs: State of Wisconsin*. Legislative Fiscal Bureau: Madison, Wisconsin.

2 The following assumptions were used to calculate the secure bed needs. Obviously, a different set of assumptions will yield different results. Assumptions are based on current state law, department policy, and availability of short-term programming similar to those used in Utah and other states.

Assumptions

1. 750 admissions per year
2. Average length of institutional stay in juvenile facilities breaks down as follows:
   - Youths adjudicated for murder, rape, kidnapping* 24 months
   - Other youths recommended for secure placement 10 months
   - Short-term secure care 3 months (This corresponds to short-term recommendations in Utah and other states. Depending on policies developed, placement may or may not be in state facilities.)

Calculations

a. 750 x .02**
= 15 x 24 mos. divided by 12 mos.
= 30 beds

b. 750 x .25**
= 188 x 10 mos. divided by 12 mos.
= 156 beds

c. 750 x .50**
= 375 x 3 mos. divided by 12 mos.
= 94 beds

TOTAL 280 beds

* Assumes that those subject to extended jurisdiction will be transferred to a state prison at age 18.

** About 2 percent of the study sample was admitted for murder, rape, or kidnapping. Removing this 2 percent from the 26.8 percent recommended for secure care leaves approximately 25 percent. The 47.3 percent recommended for short-term care was rounded up to 50 percent to avoid underestimating short-term care needs.

3 National Council on Crime and Delinquency (NCCD) (1987). *The Impact of Juvenile Court Intervention*. San Francisco, California.

4 Bakal, Yitzhak and Krisberg, Barry (1987) *Placement Needs Assessment for Youth Committed to Oregon Training Schools*. National Council on Crime and Delinquency: San Francisco, California.

5 Ibid, and, DeMuro, Paul and Krisberg, Barry (1987). *Adjudicated Youth in Delaware Who Need Secure Care*. National Council on Crime and Delinquency: San Francisco, California.

6 Schwartz, Ira (1987). *Reinvesting Youth Corrections Resources: A Tale of Three States*. Hubert Humphrey Institute of Public Affairs: Minneapolis, Minnesota.

7 Ibid.

8 Ibid.

9 NCCD, 1987, and Genevie, Louis, Margolies, Eva and Mahlin, Gregory (1983). *Trends in the Effectiveness of Correctional Intervention*. National Institute of Justice.

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Funding for this study was supplied by the Annie E. Casey Foundation through the Center for Youth Policy, the University of Michigan, School of Social Work.

CASE A

AA is a 14-year-old male who was adjudicated delinquent based on his involvement in an incident in which his 22-year-old brother fired 10-15 shots into a crowd at a school playground. AA brought the gun to the playground and gave it to his brother. His offense and prior involvement in the legal system earned him a score of 7 on the NCCD Classification Scale and a recommendation for short-term secure care followed by community placement.

AA is a boy of very limited intellectual ability with a history of conflicts with peers. Clinical data indicate that AA is insecure and vulnerable to the coercion of more dominant peers. He appears to be chronically frustrated by his poor school performance and problems with peers.

AA spent approximately 13 months at Ethan Allen School before release to a residential treatment center.

Suggested Intervention.

AA has no history of out-of-home placement. In light of his intellectual limitations and a probable lack of ability to draw insight from conventional therapeutic interventions, it would be recommended that AA be placed in a short-term secure placement. Such an arrangement would demonstrate to AA the seriousness of his offense. During this placement, a thorough assessment should determine AA's abilities and needs. Clearly, emphasis should be placed on peer relationships and coping strategies to deal with his frustrations around his limitations.

After a short-term secure placement, AA will require focused interventions to reinforce learned coping skills. He will need to be part of a school program where he can develop a marketable vocational skill to offer him hope for his future despite his academic limitations. A strong day treatment program would provide structure and direction to his life. The combination of intensive social skills training and an academic program focused on recognizing his limitations but fostering his strengths seems best suited to meet his needs. Without the continued experience of having to live in the "real world" AA stands a strong chance of becoming "institutionalized" - dependent on the structure and safety of an artificial environment. His special needs create an even stronger case for having him return to the community to test and adapt his skills.

CASE B

BB is a 17-year-old male charged with battery resulting from an incident in which he threatened and assaulted a teacher. The combination of offense severity and prior history result in a score of 14 on the NCCD Juvenile Classification Scale.

BB's intellectual level is described as somewhat below average. A personality assessment indicates that he is substantially undersocialized. He presents himself as someone devoid of social skills and lacking in awareness of socially appropriate behavior. His record includes a long history of behavioral problems, high activity level, difficulty in getting along with peers and siblings, difficulties in school, and problems with impulse control including sexual interaction with children of both sexes.

BB has several years history of mental health outpatient care. A referral to residential treatment was refused by his mother. Little positive change in BB's behavior has resulted from years of counseling and special educational programming.

BB's mother is a single parent. She reportedly has a drug and alcohol problem and is seldom home to supervise her children. She has been involved in hostile relationships with men from whom she has received numerous injuries requiring medical attention.

BB was living in a foster home at the time of his offense. This was his third out-of-home placement. His history also includes three runaway incidents.

BB spent 10 months at Ethan Allen School before being discharged at age 18.

Suggested Intervention.

BB is a youth with limited alternatives. His classification score indicates the need for a secure correctional placement. This comes after extensive assistance provided by school and social service agencies. Clearly, BB's home environment is not a viable resource due to the abuse and chaos that exists there.

Given BB's age of 17, it would be necessary and appropriate that the corrections placement focus on preparing him to function as a responsible adult. A confrontive stance should be taken to address BB's social attitudes toward both peers and authority figures. A vocational-technical training program should help BB develop a productive marketable skill. Counseling should assist with impulse control. In essence, a corrections placement with intensive programming constitutes this youngster's last chance at an intensive, therapeutic intervention before his behavior gets him into trouble as an adult.

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This publication is supported by a generous grant from the Edna McConnell Clark Foundation.

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